

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMON HESTAND	§	
VS.	§	CIVIL ACTION NO. 6:20cv71
CAPTAIN J. ENGE, ET AL.	§	

ORDER

Before the Court is Plaintiff's second motion for an extension of time, (Dkt. #15), in which to respond to Defendants' motion to dismiss and to file an amended complaint. In support, counsel for the Plaintiff explains that since the time of filing this lawsuit, "Plaintiff was subjected to two additional assaults by TDCJ Officers and ranking staff for having filed this suit," both of which occurred on March 9 and April 5, 2020. Counsel for the Plaintiff further notes that Plaintiff continues to suffer from ongoing physical and emotional injuries and has been denied medical care for his injuries stemming from the original use-of-force.

Moreover, counsel for the Plaintiff states that Plaintiff has since filed 200 Step 1 and Step 2 offender grievances against the named Defendants and other TDCJ employees, which "give rise to additional causes of action." Counsel explains that she "simply has not had enough time to process and read each of the grievances along with the tens of dozens of Plaintiff's letters which explain his injuries and allegations." Counsel seeks an extension and leave to file an amended complaint, which is reasonable given the allegations contained in the motion. In the interests of justice, then, the Court will grant Plaintiff an extension of time in which to respond to Defendants' motion to dismiss and to file an amended complaint. Accordingly, it is

ORDERED that Plaintiff's second motion for an extension of time, (Dkt. #15), is **GRANTED** to the extent that Plaintiff's response to Defendants motion to dismiss shall be filed no later than December 18, 2020. Further extensions of time in which to respond to Defendants' motion to dismiss will not be granted. Moreover, it is

ORDERED that Plaintiff shall file an amended complaint no later than December 18, 2020. The amended complaint will act as the operative pleading in this cause of action. Finally, it is

ORDERED that Plaintiff shall serve the amended complaint on Defendants in accordance with Federal Rule of Civil Procedure 4. *See* Fed. R. Civ. P. 4(m) (explaining that if service is improper, the Court can order that service be done in a specified period of time). The failure to comply with this order may result in the dismissal of the complaint.

So ORDERED and SIGNED this 13th day of October, 2020.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE